

Spiegel



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** East West Research, Inc.

**File:** B-238633

**Date:** June 13, 1990

Richard Snyder, for the protester.  
Philip F. Eckert, Jr., Esq., Office of the General Counsel,  
Defense Logistics Agency, for the agency.  
Robert A. Spiegel, Esq., and James A. Spangenberg, Esq.,  
Office of the General Counsel, GAO, participated in the  
preparation of the decision.

### DIGEST

1. A procuring agency is not required to use mandatory specifications and standards when procuring an item under the small purchase procedures of the Federal Acquisition Regulation.
2. The General Accounting Office will not disturb an agency determination as to the best method for satisfying its needs, absent a clear showing that this determination was unreasonable.

### DECISION

East West Research, Inc., protests the terms of request for quotations (RFQ) No. DLA400-90-T-6648, issued by the Defense General Supply Center, Defense Logistics Agency (DLA). East West contends that the agency violated the Federal Acquisition Regulation (FAR) when it failed to use a mandatory specification in its acquisition of military equipment.

We deny the protest.

The RFQ for 5,100 abrasive wheels (NSN 3460-00-007-8537) was issued by the DLA on January 27, 1990, pursuant to the small purchase procedures of the FAR. East West alleges that the agency violated FAR § 10.006(a) (FAC 84-53) in not procuring the abrasive wheels under Federal Specification GGG-W-290 (April 1985). Instead, the agency identified the abrasive wheels by National Stock Number, salient specifications and

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by the incorporation of various American National Standards Institute (ANSI) standards.

FAR § 10.006(a) reads in relevant part as follows:

"(a) Mandatory specifications and standards.

(1) Unless otherwise authorized by law or approved under 10.007(a) below, specifications and standards listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions are mandatory for use by all agencies requiring supplies or services covered by such specifications and standards, except when the acquisition is --

. . . . .

(ii) Under the small purchase limitation at 13.000 . . . ."

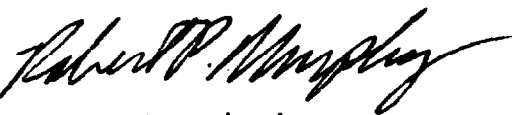
East West has made this same contention in a number of recent protests regarding small purchases. See East West Research, Inc., B-238177 et al., Apr. 18, 1990, 90-1 CPD ¶ \_\_\_\_\_. As discussed in that case, we concur with the DLA that the regulation in question does not require the agency to use a mandatory specification or standard in its item description, since the procurement is within the small purchase limitation of \$25,000. Instead, it can use other adequate part identification (e.g., National Stock Number) to permit full and open competition. Id.

In its comments on the agency report, East West for the first time contends that DLA is attempting to avoid the requirement for full and open competition under the Competition in Contracting Act of 1984, 10 U.S.C. § 2304(a)(1)(A) (1988), by splitting procurements to allow for use of small purchase procedures. Because the protester did not raise this issue in its initial protest, we do not have sufficient information in the record to question the propriety of the agency's use of small purchase procedures. In any event, concerning the ANSI standards used in the RFQ, FAR § 10.006(a)(2) requires that the agency use mandatory specifications and standards listed in the "Department of Defense Index of Specifications and Standards" (DODISS) whether or not small purchase procedures are used. Here, the agency states that the ANSI standards in the RFQ are listed in the DODISS. Accordingly, we have no basis to question the agency's use of such standards.

East West also claims that the DLA has chosen item descriptions which fail to meet the agency's minimum needs, unlike the Federal Specifications suggested by the protester. The agency states that it requires a less coarse grain size on the abrasive wheel than the one contained in the Federal Specification, and for that reason used the less restrictive ANSI standards. A procuring agency is in the best position to know how a solicited property or service is to be used by the agency, and the agency has primary responsibility for ascertaining its needs and specifying its requirements. See Elsco Int'l, B-215664, Dec. 17, 1984, 84-2 CPD ¶ 672. Therefore, our Office will not disturb an agency determination as to the best method for satisfying those needs, absent a showing that this judgment was unreasonable. Id. East West has failed to provide any tangible evidence indicating that the chosen method is inappropriate, and its disagreement with the agency judgment does not constitute such evidence. Id. Therefore, we find no merit to this allegation.

Finally, East West claims that this procurement violates Department of Defense (DOD) Directive 4120.3, dealing with the DOD Standardization Program. Our Office does not consider protests that agency actions violate internal agency policies, such as this directive; these matters are for resolution within DOD, rather than through the bid protest process. See Univox California Inc., et al., B-225449.2 et al., Dec. 9, 1987, 87-2 CPD ¶ 569.

The protest is denied.

  
for James F. Hinchman  
General Counsel